

The following Listing of the Claims will replace all prior versions and all prior listings of the claims in the present application:

Listing of The Claims:

1. (Original): An agent delivery system comprising:  
a pellet containing a therapeutic agent;  
a flexible, implantable body having a hollow interior configured to receive and retain the pellet within the interior after the body has been implanted within tissue.
2. (Original): An agent delivery system as defined in claim 1 wherein the implantable body comprises a helical spring having individual coils which define an inside diameter suitable for retaining the pellet in position within the device and the coils being spaced a distance which permits bodily fluids to flow into the interior of the device yet are small enough to prevent passage of the pellet from the interior of the device.
3. (Previously Presented): An agent delivery system as defined in claim 2 wherein the body has proximal and distal portions and coils along the proximal portion define a second inside diameter that does not accept the pellet.
4. (Previously Presented): An agent delivery system as defined in claim 2 wherein the coils at the distal portion of the body further define a diameter that does not accept the pellet.
5. (Currently Amended): An agent delivery system comprising:  
a pellet containing a therapeutic agent;  
a flexible and implantable body defining an interior sized to accept the pellet and having proximal and distal ends, wherein the proximal end is sized to accept the pellet and retain the pellet after the body has been implanted within tissue, the body further having at least one

**Amendment and Reply**

Page 3

opening sized to permit bodily fluid to enter the interior but sized to prevent the pellet from exiting the interior;

an implant delivery device;

a pellet delivery tube engagable with the proximal end of the body.

6. (Previously Presented): An agent delivery system as defined in Claim 5 further comprising an alignment tool engagable with the interior of the implant body.

7. (Previously Presented): An agent delivery system as defined in Claim 5 further comprising an alignment tool engagable with an outside surface of the implant device and pellet delivery tube.

8. (Original): An agent delivery system as defined in Claim 5 wherein the pellet delivery tube further comprises a pellet advancement mechanism and a pellet restraint mechanism.

9. (Previously Presented): An agent delivery system comprising:  
a pellet containing a therapeutic agent;  
a flexible, implantable implant device;  
a multi-lumen delivery tube having an implant delivery lumen and a pellet delivery lumen and having a distal end with a catheter positioning device engagable with tissue;  
an implant delivery device comprising:  
an obturator capable of piercing tissue in a shaft joined to the obturator for controlling axial movement of the delivery device through the multi-lumen catheter;  
a pellet delivery tube sized to slidably receive a pellet and being slidable within the pellet delivery lumen of the multi-lumen catheter,  
the implant device delivery device and pellet delivery tube being independently controllable through the multi-lumen delivery catheter.

10. (Currently Amended): An agent delivery system comprising:  
a pellet containing a therapeutic agent;  
a flexible, implantable body having an interior configured to receive the pellet and retain it after the implantable body implant has been placed in tissue;  
an obturator configured to pierce tissue;  
an insertion device configured to retain the pellet within the interior of the implantable body implant device for simultaneous delivery into an intended tissue location.

11. (Currently Amended): A method for delivering an agent comprising:  
providing a pellet containing a therapeutic agent;  
providing a flexible implantable and plantable body having an interior configured to receive and retain the pellet;  
providing an obturator capable of piercing tissue;  
providing a pellet delivery tube advancing the obturator into the tissue to create a channel;  
advancing the implantable body into the channel;  
advancing the pellet delivery tube to the proximal end of the body and inserting the pellet into the interior of the body;  
closing the proximal end of the body to retain the pellet within the interior.